

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

**ANDREW L. COLBORN,**

**Plaintiff,**

**vs.**

**NETFLIX, INC.; CHROME MEDIA LLC,  
F/K/A SYNTHESIS FILMS, LLC;  
LAURA RICCIARDI; AND MOIRA  
DEMOS,**

**Defendants.**

**Civil No.: 19-CV-484-BHL**

**DECLARATION OF LEITA WALKER**

I, Mary Andreleita (“Leita”) Walker, under penalty of perjury and subject to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at Ballard Spahr LLP in Minneapolis, Minnesota, and lead counsel for Defendant Netflix, Inc., in the above-referenced matter. I have personal knowledge of the matters set forth herein, and I make this declaration in support of Netflix’s Motion for Summary Judgment.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint in *Avery v. Manitowoc Cnty.*, No. 1:04-cv-00986-LA (E.D. Wis. Oct. 12, 2004), Dkt. 1.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the transcript of the deposition of Plaintiff Andrew Colborn in this matter.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Decision and Order on Wrongful Conviction Evidence in *State v. Avery*, No. 05 CF 351 (Wis. Cir. Ct. Manitowoc Cnty. Jan. 30, 2007).

5. Attached hereto as Exhibit 4 is a true and correct copy of a Jan. 5, 2016 email from Michael Griesbach to Ronald Goldfarb, produced by Mr. Griesbach in this matter at Bates No. Griesbach0026044.

6. Attached hereto as Exhibit 5 is a true and correct copy of a Jan. 10, 2016 email from Michael Griesbach to Ronald Goldfarb, produced by Mr. Griesbach in this matter at Bates No. Griesbach0015978.

7. Attached hereto as Exhibit 6 is a true and correct copy of a Jan. 12, 2016 email from Andrew Colborn to Patrick Dunphy, produced by Manitowoc County in this matter at Bates No. Manitowoc-000158.

8. Attached hereto as Exhibit 7 is a true and correct copy of a March 19, 2016 email from Brenda Schuler to John Ferak, produced by Manitowoc County in this matter at Bates No. Manitowoc-000063.

9. Attached hereto as Exhibit 8 is a true and correct copy of a Jan. 12, 2016 email from Andrew Colborn to Patrick Dunphy, produced by Manitowoc County in this matter at Bates No. Manitowoc-000270.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the deposition of Defendant Laura Ricciardi in this matter.

11. Attached hereto as Exhibit 10 is a true and correct copy of the relevant excerpts of the License Agreement dated July 28, 2014 between Defendants Netflix, Inc. and Synthesis Films LLC, produced by Netflix in this matter at Bates No. NFXCOL0000091. Netflix will file the entire agreement under restriction should the Court request it.

12. Attached hereto as Exhibit 11 is a true and correct copy of a July 22, 2013 email from Laura Ricciardi to Lisa Remington, produced by Eleonore Dailly in this matter at Bates No. E. Dailly Subp. Prod. 31-0001.

13. Attached hereto as Exhibit 12 is a true and correct copy of a Nov. 17, 2015 letter from Lisa Callif to Michael Griesbach, produced by the Producer Defendants in this matter at Bates No. CHRM003641.

14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the deposition of Adam Del Deo in this matter.

15. Attached hereto as Exhibit 14 is a true and correct copy of a Nov. 20, 2014 memorandum from Netflix to the Producer Defendants providing notes on Episodes 1-4 of *Making a Murderer* (“MaM”), produced by Netflix in this matter at Bates No. NFXCOL0000215.

16. Attached hereto as Exhibit 15 is a true and correct copy of an undated set of notes regarding music in MaM, produced by Netflix in this matter at Bates No. NFXCOL0000242.

17. Attached hereto as Exhibit 16 is a true and correct copy of an Aug. 23, 2015 email from Adam Del Deo to Benjamin Cotner, produced by Netflix in this matter at Bates No. NFXCOL0000265.

18. Attached hereto as Exhibit 17 is a true and correct copy of a set of notes regarding Episodes 8 and 9 of MaM, produced by Netflix in this matter at Bates No. NFXCOL0000282.

19. Attached hereto as Exhibit 18 is a true and correct copy of a July 23, 2015 email from Benjamin Cotner to Adam Del Deo, produced by Netflix in this matter at Bates No. NFXCOL0000294.

20. Attached hereto as Exhibit 19 is a true and correct copy of a set of notes regarding Episodes 5 and 6 of MaM, produced by Netflix in this matter at Bates No. NFXCOL0000335.

21. Attached hereto as Exhibit 20 is a true and correct copy of a Sept. 18, 2015 email from Benjamin Cotner to the Producer Defendants, produced by Netflix in this matter at Bates No. NFXCOL0002099.

22. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of the transcript of the deposition of Lisa Nishimura in this matter.

23. Attached hereto as Exhibit 22 is a true and correct copy of excerpts of the transcript of the deposition of Lisa Dennis in this matter.

24. Attached hereto as Exhibit 23 is a true and correct copy of Plaintiff's Responses to Netflix, Inc.'s First Set of Interrogatories, dated Oct. 6, 2021.

25. Attached hereto as Exhibit 24 is a true and correct copy of a set of notes regarding Episode 5 of MaM, produced by Netflix in this matter at Bates No. NFXCOL0000212.

26. Attached hereto as Exhibit 25 is a true and correct copy of a set of notes regarding Episode 1 of MaM, produced by Netflix in this matter at Bates No. NFXCOL0001943.

27. Attached hereto as Exhibit 26 is a true and correct copy of a set of notes regarding Episodes 7 and 8 of MaM, produced by Netflix in this matter at Bates No. NFXCOL0001959.

28. Attached hereto as Exhibit 27 is a true and correct copy of a set of notes regarding Episodes 1-10 of MaM, produced by Netflix in this matter at Bates No. NFXCOL0001976.

29. Attached hereto as Exhibit 28 is a true and correct copy of a set of notes regarding Episode 7, dated Aug. 17, 2015, produced by Netflix in this matter at Bates No. NFXCOL0002075.

30. Attached hereto as Exhibit 29 is a true and correct copy of a set of notes regarding Episode 6 of MaM, dated Mar. 9, 2015, produced by Netflix in this matter at Bates No. NFXCOL0002131.

31. Attached hereto as Exhibit 30 is a true and correct copy of a June 26, 2015 email from Adam Del Deo to Benjamin Cotner, produced by Netflix in this matter at Bates No. NFXCOL0000226.

32. Attached hereto as Exhibit 31 is a true and correct copy of an Aug. 27, 2015 email from Benjamin Cotner to Lisa Nishimura, produced by Netflix in this matter at Bates No. NFXCOL0000273.

33. Attached hereto as Exhibit 32 is a true and correct copy of a set of notes regarding Episodes 5 and 6 of MaM, produced by Netflix in this matter at Bates No. NFXCOL0002059.

34. Attached hereto as Exhibit 33 is a true and correct copy of a Nov. 10, 2014 email from Marjon Javadi to Adam Del Deo, produced by Netflix in this matter at Bates No. NFXCOL0000208.

35. Attached hereto as Exhibit 34 is a true and correct copy of a Sept. 4, 2015 email from Lisa Nishimura to Benjamin Cotner, produced by Netflix in this matter at Bates No. NFXCOL0000288.

36. Attached hereto as Exhibit 35 is a true and correct copy of comments by Lisa Nishimura to a Google document on July 5, 2015, produced by Netflix in this matter at Bates No. NFXCOL0000293.

37. Attached hereto as Exhibit 36 is a true and correct copy of a July 16, 2015 email from Adam Del Deo to Lisa Nishimura, produced by Netflix in this matter at Bates No. NFXCOL0000245.

38. Attached hereto as Exhibit 37 is a true and correct copy of an undated memorandum by Frank Isaac of Film Finances Inc., produced by Netflix in this matter at Bates No. NFXCOL0000138.

39. Attached hereto as Exhibit 38 is a true and correct copy of an Aug. 23, 2022 email from Plaintiff's counsel April Barker to me.

40. Attached hereto as Exhibit 39 is a true and correct copy of excerpts of the transcript of the deposition of Mary Manhardt in this matter.

41. Attached hereto as Exhibit 40 is a true and correct copy of excerpts of the transcript of the deposition of Brenda Schuler in this matter.

42. Attached hereto as Exhibit 41 and filed under restriction is a true and correct copy of excerpts of the transcript of the deposition of Brenda Shuler in this matter that she has designated as confidential.

43. Attached hereto as Exhibit 42 and filed under restriction is a true and correct copy of certain medical records of Plaintiff Andrew Colborn that he has designated as confidential and produced in this matter at Bates No. Colborn-00153.

44. Attached hereto as Exhibit 43 and filed under restriction is a true and correct copy of certain medical records of Plaintiff Andrew Colborn that he has designated as confidential and produced in this matter at Bates No. Colborn 00061.

45. Attached hereto as Exhibit 44 is a true and correct copy of text messages on Dec. 18, 2018 between Andrew Colborn and Brenda Schuler, produced by Colborn in this matter at Bates No. COLBTXTS\_0006758.

46. Attached hereto as Exhibit 45 is a true and correct copy of a series of emails in November 2018 among Andrew Colborn, Michael Griesbach and John Mayer, produced by Colborn in this matter at Bates No. COLBORN-004486.

47. Attached hereto as Exhibit 46 is a true and correct copy of a series of emails in December 2018 among Andrew Colborn, Brenda Schuler and Michael Griesbach, produced by Colborn in this matter at Bates No. COLBORN-004586.

48. Attached hereto as Exhibit 47 is a true and correct copy of a series of emails on Jan. 8, 2019, among Michael Griesbach, Andrew Colborn and Brenda Schuler, produced by Colborn in this matter at Bates No. COLBORN-004611.

49. Attached hereto as Exhibit 48 is a true and correct copy of Plaintiff's Responses to Defendant Chrome Media LLC's First Set of Interrogatories, dated Jan. 28, 2022.

50. Attached hereto as Exhibit 49 is a true and correct copy of Plaintiff, Andrew L. Colborn's Supplemental Response to Defendant Netflix's Interrogatory No. 1, dated July 15, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 16, 2022

/s/ Leita Walker  
Leita Walker